IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Bail Appl..No. 7374 of 2006()

CC.1193/2005 of J.F.C.M.,MAVELIKKARA

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PETITIONER/RESPONDENT:

THAMPAN THOMAS,
ANJILIVILAYIL HOUSE, PALLICKAL EAST,
THEKKEKARA P.O., MAVELIKARA.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENT: COMPLAINANT:

STATE OF KERALA REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7374 of 2006

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Dated this the 13th day of December, 2006.

ORDER

Petitioner, who is the accused in C.C.No.1193 of 2005 on the file of the J.F.C.M., Mavelikkara for an offence punishable under Section 138 of Negotiable Instruments Act, seeks anticipatory bail.

2. The grievance of the petitioner is that he has not received any summons from the said court and while so, non-bailable warrant of arrest is issued against him. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within 10 days from today, the same shall be considered and disposed of on the same day on which it is filed after examining

the explanation offered by the petitioner for his previous non-appearance.

With this direction, this petition is dismissed.

V.Ramkumar,
Judge.

ess 13/12